

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**AMEND Senate Bill No. 3176\***

**House Bill No. 3166**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by adding the following as a new section to precede the effective date section:

Section \_\_\_\_\_. (a)(1) IF

1. a person is an officer or employee of the department, AND
2. the person or the person's spouse, parent, grandparent, brother, sister, or child has an ownership interest in a facility which is not publicly held or an ownership interest in a business which is not publicly held that owns a facility that provides residential or treatment programs or services to children, OR
3. any individual or combination of individuals in item 2, above, has an ownership interest of at least thirty-five percent (35%) in a facility which is publicly held that provides residential or treatment programs or services to children, OR
4. any individual or combination of individuals named in item 2, above, has an ownership interest of at least thirty-five percent (35%) in a business that is publicly held that owns a facility that provides residential or treatment program services to children, THEN
5. the person must disclose the interest to the department or licensee,  
AND
6. the person may not serve in a capacity of decision making or influence or responsibility for the direct referral or placement of person to any residential facility that provides mental health or mental retardation services.

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(b) If a person violates subsection (a), the commissioner shall assess a civil penalty of fifteen hundred dollars (\$1,500) per incident against such person for each violation. A penalty shall be assessed only after an informal hearing is held in the same manner as an informal hearing is held prior to the suspension of a license under §4-5-322(d). If services have been provided in violation of this act, the commission may:

(A) require transfer of the recipient of services to another provider of services as soon as is reasonably practical;

(B) authorize the recipient of services to remain with the provider of services if the commissioner determines it to be in the best interests of the recipient of services to remain with the provider of services;

(C) restrict the referral of other recipients of services to such provider of services; or

(D) impose such sanctions listed in (A)-(C), above, in any combination impose any other appropriate sanctions in the discretion of the commissioner.

(c) On the effective date of this act, any officer or employee who is not in conformity with subsection (a) shall conform to its terms. After the effective date of this act, any person to whom this act applies must disclose such information before being hired or as a part of a contract entered into with a provider of

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residential or treatment programs or services to children. Failure to disclose such information shall subject the person to removal from the position held and the contract to cancellation or renegotiation.

(d) If a person is relieved of such decision making authority or responsibility under this act, the personnel records of the officer or employee shall state that the officer or employee was relieved of such authority or responsibility solely to conform to this act.

Section 2. This action shall take effect upon becoming a law, the public welfare requiring it.